

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

FILED
at Santa Fe, N.M.

DEC 26 2001

M. MARCH, Clerk
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO *ex rel.*
State Engineer,

Plaintiff,
v.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941 JEC-ACE

RIO CHAMA STREAM SYSTEM
Canjilon Creek, Section 3

Subfile No.: CHCJ-005-0005

CONSENT ORDER

The Court, having considered the agreement between the Plaintiff State of New Mexico
and Defendant(s):

BENJAMIN LEYBA
DAVID LEYBA
HORACE LEYBA

concerning the Defendant's right to use the public waters of the Rio Chama Stream System,
as set forth below finds:

1. The Court has jurisdiction over the parties and the subject matter of this suit.
2. The State of New Mexico and the above-named Defendant(s) are in agreement concerning certain elements of Defendant's right to divert and use the public waters of the Rio Chama Stream System, Canjilon Creek, Section 3, and by their signatures appearing below, the State and the Defendant(s) have approved and accepted the elements of Defendant's water rights as set forth in paragraph 4 herein.

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LEGAL SERVICES DIVISION

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3. There is no just reason for delay for the entry of a final judgment as to the elements of the claims of the Defendant(s) adjudicated by this order.
4. The rights of the Defendant(s) to divert and use the public waters from the Rio Chama Stream System, Canjilon Creek, Section 3, are set forth below:

A. IRRIGATED LANDS (Surface Water Only):

Office of the State Engineer Files No(s) NONE

Priority: Reserved for future determination by court order entered July 25, 2000.

Source of Water: Surface Waters of the Blas Canyon, a tributary of the Canjilon Creek, a tributary of the Rio Chama.

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch Name: LEYBA DITCH

Location X: 1,587,346 feet **Y:** 2,001,379 feet

New Mexico State Plane Coordinate System, Central Zone, 1983 N.A.D.

Location and Amount of Irrigated Acreage:

Section 31, Township 26N, Range 05E, N.M.P.M.

Pt. NE¼	10.9 acres
Total	10.9 acres

As shown on the 2000 Hydrographic Survey Map CHCJ- 5.

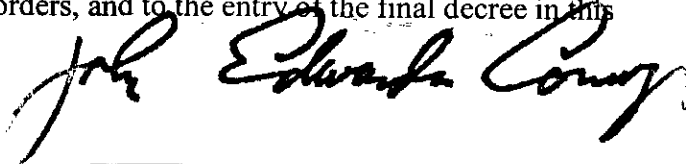
Amount of Water: Reserved for future determination by court order entered July 25, 2000.

5. Defendant(s) have no surface water rights in the Rio Chama Stream System, Canjilon Creek, Section 3, other than those set forth in this order and those other orders entered by this Court in this cause.

6. Defendant(s), his or her successors, representatives, heirs and assigns, should be enjoined from any use of the surface waters of the Rio Chama Stream System, Canjilon Creek, Section 3, except in strict accordance with the water rights described herein.
7. The water rights described herein, if any, are adjudicated subject to the right of any other water right claimant with standing to object prior to the entry of a final decree.

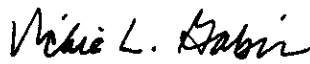
IT IS THEREFORE ORDERED that the rights of the Defendant(s) to divert and use the waters of the Rio Chama Stream System, Canjilon Creek, Section 3, are as set forth herein. The Defendant(s), his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Canjilon Creek, Section 3, except in strict accordance with the rights set forth herein or in other orders of the Court.

The Court enters this Consent Order as a final judgment as to the elements of Defendant's waters rights set forth herein, subject to the right of other claimants to file objections to individual adjudication orders, and to the entry of the final decree in this proceeding.



UNITED STATES DISTRICT JUDGE

Recommended for approval:


SPECIAL MASTER

ACCEPTED: Horace L L
HORACE LEYBA

ADDRESS: P.O. Box 486
Carrizosa NM
87515

DATE: 12-10-01

ACCEPTED: David Leyba
DAVID LEYBA

ADDRESS: P.O. Box 463
Carrizosa, N.M.
87515

DATE: 12-10-01

ACCEPTED: Benjamin Leyba
BENJAMIN LEYBA

ADDRESS: P.O. Box 463
Carrizosa, N.M.
87515

DATE: 12-10-01

Ed Newville
EDWARD G. NEWVILLE
Special Assistant Attorney General

12.14.01
Date